#### MASURIER LAW DECLARED VOID

Judge Witt Sets Aside Ordi nance Preventing Political Activity of City Employes.

WILL GO TO HIGHER COURT

City Attorney Notes Exceptions and Will Take Case Up Later On.

Judge S. B. Witt, of the Hustings Court, yesterday rendered a decision in the case the city of Richmond vs. Lynch and Duke, involving the validity of the famous Masurier ordinance recently passed by the Council and designed to prevent persons holding positions under the city government from holding seats in party committees or acting as officers of elections.

and void, and cites decisions of other tribunals to sustain his contention. City Attorney Pollard, on behalf of the city, noted exceptions and will take the case to the Supreme Court. Meanwhile those affected by the ordinance will continue to hold their seats in the State and City

Judge Witt's Decision. follows: City of Richmond

J. J. Lynch,
Appeal from Police Justice.

City of Richmond

Appeal from Police Justice.

On filelimond

Vs.

Walter G. Duke.

On the 7th day of November, 1991, a summens was issued by the Police Justice.

On the 7th day of November, 1991, a summens was issued by the Police Justice of the city of Richmond, commanding John J. Lynch to show cause why he should not be fined for violation for an ordinance's approved July 15, 1991, by which it is ordained "That it shall not be fawful for any city official, employeer mentioner of any municipal board in connection with the city government, to skrve as judge, registrar or cierk at any election, regular or primars, or as a member of any standing compittee of any standing compittee of any standing compittee of any standing compittee of the said city, did on the — day of October, 1991, serve as a member of the Common Council of the said city, did on the — day of October, 1991, serve as a member of the State Democratic Committee, a standing committee of a political party.

On the same day a like summons was issued against Walter G. Duke, charging that he being a member of the City Democratic Committee, that being a standing committee of the city did serve on the day of October, 1994, as a member of the City Democratic Committee, that being a standing committee of the city did serve on the day of October, 1994, as a member of the City Democratic Committee, that should any of the parties above mentioned be convicted they should be "fined not less than ten nor more than fitty dollars, and such conviction shall operate as a discharge from office or employment.

Double Penalty.

The ordinance prescribes a double penalty; first a fine; and, second, a forfeiture of office.

The question of forfeiture will be considered first. The defendant Duka holds his office by virtue of the statute of 1902-3-4, which amends the charter establishing the Police Board, and also declares how the members are to be elected and how they are to be removed. By a reference to the act it will be seen that the members of the board can only be removed by a vote of two-thirds of the members of the City Council. (See Acts 1902-3-4) page 751-5.)

The defendant John J. Lynch, holds his office as member of the council by virtue of an election in Jefferson Ward, in the city of Richmond, and the charter of the city in express terms declares how a member of the council may be turned out—namely, by a vote of two-thirds of its members. (See charter of city of Richmond, section—)

In Louthan ys. Commonwealth, 79 Vt. at page 206, in discussing the question of his removal of officers, the court says. "The Constitution provides the amended of his removal, and the Legislature cannot remove him in a different method, by creating a new office and submitting the question to any other tribunal."

It will be seen then that in this case we are confronted with an ordinance of the city of Richmond which sets aside both the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter of the city and the act of the charter men whom the higher law has ortained shall duly be removed by a two-thirds vote. I am of opinion that this portion of the ordinance being in conflict with both the statute law of the State and the charter of the city is unconstitutional, null and void.

Not Without Remedy.

CATARRH,

#### Over Half a Million SATISFIED CUSTOMERS

Do you think such an enormous business could be built up and continually increased, if our goods did not have exceptional value and merit?

Do you think we could hold the trade of half a million people, if our reputation for doing exactly what we say wasn't firmly established?

Do you think U. S. Senators, Foreign Ambassadors, Bankers, Business and Professional men in every section of this country would keep on using HAYNER WHISKEY if it wasn't all right?

Do you think doctors would recommend it and hospitals use it, if it wasn't absolutely pure and unadulterated?

Just think these things over carefully and then send us a trial order. Your money back if you are not satisfied.

A TOP

Write our nearest office and do it NOW.

THE HAYNER DISTILLING COMPANY

Atlanta, Ga. Dayton, O. St. Louis, Mo ESTABLISHED 1866.

declared intensitiutional an act of frae legisature similar in its nature to this.

Finds Precedent.

The case briefly stated is as follows:

In 1884 the Legislature passed an act contilled an act to prohibit active garacteristic and active garacteristic garacteristic

Louthan Case Cited.

The case of Louthan against the Commonwealth, referred to in the opinion, was decided by the Supreme Court when the court was composed of four Readjusters and one Republican. Judge Lowis, the Republican, and of the Readjuster judges dissented from the opinion, in which three humbers of the court, or a majority, unled, At the time the cause or sinated Readjuster officials held office throughout many sections of the Sinte and were taking an active part in Readjuster positios.

The council is not without its remedy.

The council is not without its remedy.

If Duke and Lynch have committed any act unworthy of the positions they hold it is entirely within the province of that body to remove them as the law permits, and, indeed, as it requires.

The second part of the penal clause, or rather of the question argued, is whether or not the city has a right at all to make a crime of such acts as argmentioned in this summons, to wil, the participation in the political analis of the State and the political analis of the State and were taking an active part in Rendjuster positics.

The current of such acts as argment of the position and the participation in the political analis of the State and were taking an active part in Rendjuster positics.

They Respond, Generously and Nobly to Appeal for Boy's Sake.

The appeal made to the people of Richand by The Times-Dispatch and The Nost-Leader in behalf of Hunter Latimer, who was bitten by a mad dog ten politic power of the municipality, and a large number of suthorities have been much over subscribed and the boy is in the hands They Respond, Generously and

# Holy Trinity Church... Cash.... F. D. Beverldge.... Mrs. A. D. Greene...

BLANKENSHIP'S TROUBLE

Goes to Grand Jury on Charge of Housebreaking.

Eugene Blankinship found a whole lot of trouble confronting him yesterday when he faced the throne of the Wisc Guy. Four charges of housebreaking were shoved at him by Bergeant Thomas, who read from the cue paper, and as he contemplated them he shuffled from one foot to the other nervously. He had nothing to say, for the evidence was that he had broken into an outhouse belonging to Poindexter and Stage upon four separate occasions, and carried off a lot of saws, hammers and things used in the building business. He was sent on to the grand jury.

J. W. Murry, colored, slapped his wife, and she deposed that he had threatened to take her life. The judgment was 10 and security.

The case of Lee Duncan, colored, charged with cutting William Christian with a knife, was continued because the man who was cut could not be present to testify in his own behalf. The case went over to the 5th.

Then the line of drunks passed along. Eugene Blankinship found a whole lot

Special Services. At Bethlohem Lutheran Church there will be special Holy Wesk services to-night at \$5 orlook. The pastor's subject will be "Sign That, Pollowed Christ's Death." The sermon will be followed by a preparatory service for Holy Communion, which will be celebrated on Easter, Good Friday services will be held at 11 A; 14.

Egg Hunt This Afternoon.

There will be an egg hunt at Second Bapillat Church, corner Sixth and Main Streets, this afternoon from a to 6 o'clock Admission is only five conts, with adults and nurses free. Refreshments will be sold.

Comic Opera to be Rendered by the Arcadians.

WILL BE SPLENDIDLY STAGED

Eighteen Musical Numbers and Many Pleasing Features.

Sulu type, full of witty dialogue, catchy music and startling scenic effects, will be produced by the Arcadians, the dramatic club of the University of Virginia, during Easter week on April 28th and 29th. The "Khan of Kathan," an opera written by two students of Columbia University, Mr. Kenneth Webb and Mr. H. W. Albert, and which was an immense success when produced by Columbia students last mouth in New York city, has been se, lected by the Aroadians as sulted to the dramatic talent of the University men The "Khan of Kathan" is an elaborate production requiring a company of over forty and including eighteen different



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Call and inspect our complete line of

## Automatic



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LEADERS

Compare our prices with the cut prices of others,

No dampness or mould in these goods and such LITTLE ICE BILLS; prices to suit YOU.

Have you ordered your SLIP-COV-ERS yet? PRICES MODERATE. See F. A. Whitney's BABY CAR-RIAGES. Dusch Will Case. Sydnor& Hundley

Ordinance Committee Meeting. The Committee on Ordinances will not meet to-morrow night, but will meet next Wed-nesday night instead, to take up the question of annefation.

### FURNITURE

For every room in your house, also Crockery, Mattings, Go-Carts. and Refrigators at Lowest Cash Prices and on the easiest terms of

CREDIT

Easy Weekly or Monthly Payments

Mattings. 12c for China Matting that usually

15c for China Matting that usually sells for 22c. 25c for China Matting that usually sells for 35c.

30c for Heavy China Matting that usually sells for 45c.

All Mattings laid free of charge.

#### PAY THIS WAY

#### **FURNITURE**

finest makes of Go-Carts, comprising everything in folders and reclining backs, from \$2.48 up.

THE CHEAPEST CASH OR CREDIT STORE IN THE CITY.

3 Rooms Furnished \$75 Bed-Room, Dining-Room.

4 Rooms Room, Dining-Room, Kitchen.

Mattresses of every description in husk fibre, hair and cotton \$8.25 felt, our specialty Cotton Felt

Refrigerators

ery for the occasion, which will heighten the picturesque effect of the Oriental costumes. These costumes, which are the same that were used in the New York production, have been coulteously leaned to the Arcadians by the Columbia mon. They are unusually expensive and elaborate and furnish some striking color combinations. Another feature will be the calcium lights, which under the guidance of an expert, will add to the brilliant color effects of the scenery and costumes. There are eighteen different musical numbers in "The Khan of Kathan." All of these are catchy and original, and some of them remarkably good. Mr. Albort, who wrote the music, has produced some very pretty melodies and Mr. Webb, the author of the lyrics, has written extremely bright and witty words for them. Among the bost, are: "Never Too Early To Marry," a duet by the Khan and Joy, the American girl, "A Simple City Mail," sung by the princess Adella; "My Southern Queen," sung by Kassim, the right-heir to the throne of Kathan; and "The Simple Life," by the Khan and Chorus, Several of these songs afford ample opportunity for the introduction of local color which, needless to say, will be supplied.

"The Khan of Kathan," will rank as a social event with the germans of Easter week. Everybody in Charlottesville will be there and most of the students are planning to attend both performances. The large throng of visiting "calics" will add gayety to the occasion, and divide the attention of the audience with the chorus "girls." The list of those, who have consented to act as patronesses includes of the State. A great number of society people from various parts of the State well come to Charlottesville to see the "Khan of Kathan."

WELL ADVERTISED.

An upprecedented amount of advertising has been done to very newspaper in the State, telling about "His Mnjesty the Khan of Kathan." and his approaching visit to Charlottesville. "College Topies, the University newspaper, has been publishing a series of the Hilling accounts of the

in Richmond. The Arcadians trip, if decided upon, will be taken immediately after Easter week.

THE CAST.

The cast will include the following: II, N. Page, L. G. Adams, George Wendling, John Luck, O. B. Campbell, T. P. Bryan, M. P. Brawley, J. Stöldard, F. Boyd, J. D. Pasco, C. S. Brent, A. McNaughton, and L. Hampton, The following men will sing in the chorus: Men, P. L. Conquest, Carter, Albright, Cothrin, Davis, Fletcher, Gaines, Pineus, Rogers, Smythe, Hiram Smith, Watkins, Wooding Wronn, Pierce, Landon Mason and Winbish; Girls, C. B. Bonn, Bell, Wilbur Crump, Hughes, Hornor, Middleton, Obear, Ruckman, St. Clair, Smythe, Mason, Smith, Turner and Williams, Among the Richmond boys connected with the performance are Thos. P. Bryan, P. L. Conquest, Landon Mason and Wilbur Crump.

HUNTER APPOINTED.

Men Who Built English Canal to be on Panama Board. By Associated Press.)

WASHINGTON, April 19.—Sir Mortimer Durand, the British ambassador, to-day informed Secretary Taft that the British government had, at the Secretary's invitation, selected Chief Engineer Hunter, the builder of the Manchester ship canal, to act as one of the consulting engineers of the Panama Canal Board, Mr. Hunter has signified his willingness to serve.

MONTGOMERY, ALA., April 19,—The Woman's Board of Home Missions of the Methodist Episcopal Church, South, today voted to meet next year at Asheylle, N. C. City mission work was discussed and the appointments for such work were announced.

The Frank W. Dusch contested will case is still on in the Chancery Court. The amount involved is \$17,000.

Grounds and Buildings.

The Committee on Grounds and Buildings them in the world is still \$6.98, as exainst will meet at \$6'clock to-night. So far as uan 1 only 20,001 steamers.

\$6.95 for elegant, full roll Rat

#### 7 and 9 West Broad Street.

A NNDAL STATEMENT FOR THE YAR ENDING DECEMBER SI, 1604, OF THE CONDITION AND AFFAIRS OF THE BRITISH-AMBRICAN ASSURANCE COMPANY, OF TORONTO, ORGANIZED UNDER THE LAWS OF THE DOMINION OF CANDAL HAD TORONTO, OR PUBLICA ACCOUNTS OF THE COMMONWEALTH OF VIRGINIA, PERSUANCE TO THE LAWS OF VIRGINIA.

President—HON, GEO. A. COX.

Vice-President—J. J. KENNX:
Secretary—P. H. SIMS.

Principal office—IS AND 20 FRONT STREET, EAST TORONTO, CANADA.

General aggs in Virginia—JULIUS STRAUS.

Residence—HUCHMOND, VA:
Organized of incorporabod—FEBRUARY 13, 1888.

Commineered business—JUNE 12, 1888. BONDS AND STOCKS OWNED ABSOLUTELY BY THE COMPANY

Not amount of unpaid losses.

Gross premiums received and receivable upon all unexpired fire risks ranning one year or less from date of policy, including interest, premiums (so per cent.).

Gross premiums (no preparent) fire risks, \$1,007,305,64; unearned premiums (60 per cent.).

Gross premiums received and receivable upon all unexpired fire risks running more than one year from date of policy; \$718,594.64; unearned premiums (no rata), cash and bills) received and receivable units.

Gross premiums (no rata), cash and bills) received and receivable units.

Gross premiums (a) per cent.)

and Inland.

Aggregate amount of receipts actually received during the year in cash ...... \$1,052,448 59

DISBURSEMENTS DURING THE YEAR.

Gross amount actually paid for losses (including \$104,825.71 place of and Inland. losses occarring in previous years). \$106,825.71 \$1000,277 22 \$205,230 34 placed all amounts actually received for salvage (whether on losses of the last or of previous years) \$341,110.55, and all amounts actually received for reissurage in the companies, \$100,470.24. Total doduction. \$103,100.13 \$4,415.06 provided for commission or brokerage. \$502,108.00 \$170.871.23 \$1,002.076.87 praid for commission or brokerage. \$502,108.00 \$170.871.23 \$1,002.076.87 praid for cammission or brokerage.

Aggregate amount of actual discursements during the year, in cash...... \$1,595,905 82

BUSINESS IN THE STATE OF VIRGINIA DURING THE YEAR.

Province of Ontario, county of York—sa: Sworn to January 23, 1905, before H. D. OAMBLE, Notary Public

JULIUS STRAUS & SONS, Agents, 1013 East Main Street.

# LATEST BOOKS

Writing Papers,

BEST ENGRAVING.

**HUNTER & CO.** 

RICHMOND ICE COMPANY (which has ceased doing business) and all others desiring coal or fuct of any description will receive the same prompt attention by sending their orders by phone or other-wise to

PATRONS OF THE

A. D. LANDERKIN & CO. Phone No. 223.

Heferring to above advertisement, would state that Mr. Stanley B. Tyler, who has for nearly twenty years assisted Mr. Lander, kin in the management of the affairs of the Highmond Ice Company, will be associated and will continue with the concern of A. D. Landerkin and Company.

# FOUL BREATH If You Continually K'hawk and Spit and There is a Constant Dripping From the Nose Into the Throat, If You Have Foul, Sickening Breath, That is Catarrh. CURED THROUGH THE BLOOD BY B. B. B.

Is your breach four? Is your voice husky?
Is your breach four? Is your voice husky?
Is your nose stopped? Bo you saore at night?
Bo you sacesses great doul? Do you have a fight?
Bo you sacesse streat doul? Do you have read to the paralyzed norws, muon membrane guest pains in the forehead? Do you have read of your sense of smell? It there a dropping in the throat? Are you long your sense of sate of the board of hearing our of sought and sounded? Do you have a constant but sate in the mouth? Do you have a hacking could be be used to the province of the province of the mouth? Do you have a hacking could be be used to the province of the province of the mouth? Do you have a hacking could be be used to the province of the provinc